

cost, or guaranteed loans, (3) contain a price warranty or price reduction clause, (4) contain an economic price adjustment clause, (5) are requirements, indefinite quantity or letter type contracts as defined in FAR Part 16, or (6) contain the provision at FAR 52.223-4, Recovered Materials Certification. The contracting officer may modify the clause to define the specific area of audit (e.g., the use or disposition of Government furnished property). Legal Counsel and the Assistant Inspector General-Auditing or Regional Inspector General-Auditing, as appropriate, must concur in any modifications to the clause.

514.201-70 GSA forms.

The GSA Form 1602, Notice Concerning Solicitation, may be used to:

- (a) Describe the type of contract, the duration of the contract, and the type of supplies or services being procured;
- (b) Direct the attention of prospective offerors to special requirements which if overlooked, may result in rejection of the offer;
- (c) Highlight significant changes from previous solicitations covering the same supplies and services; and
- (d) Include other special notices as appropriate.

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514.201-71 Request for brand name information limitation.

When an item is described in a solicitation by a formal specification or a detailed purchase description (other than a brand name or equal purchase description), the solicitation may not require or request that bidders specify the brand names of the products offered. However, brand name information may be requested when—

- (a) Descriptive literature for items is requested in accordance with FAR 14.202-5.
- (b) First article testing is required.
- (c) The procurement is for qualified products.

514.202 General rules for solicitation of bids.

514.202-4 Bid samples.

- (a) *Solicitation requirements.* (1) When a determination is made to require bid-

ders to submit bid samples, the solicitation must include a provision incorporating the provision at FAR 52.214-20 and containing the information in FAR 14.202-4(e) and must require:

- (i) Samples be from the production of the manufacturer whose products will be furnished under the resultant contract; and

- (ii) Bidders use GSA Form 434, Sample Record Sheet, copies of which will be furnished with each solicitation.

- (2) If a determination is made that bidders will be permitted to reapply samples furnished under a previous solicitation, FAR 52.214-20, Alternate II, shall be used.

- (3) In addition to subjective characteristics of bid samples, objective characteristics may be used when it has been determined, on the basis of past experience or other valid considerations, that examination of such characteristics is necessary to determine the responsiveness of the bid. When both types of characteristics are listed in the solicitation, they must be listed separately under the headings "Subjective Characteristics" and "Objective Characteristics."

- (4) Because of variations in circumstances and differences in commodities, no standard provision can be prescribed for use in all solicitations. The provision at 552.214-76, Bid Sample Requirements, is provided as an example and may be used in solicitations as shown or modified to fit the circumstances of the procurement.

- (b) *Handling and disposition of samples.*

- (1)(i) Samples held during the period of contract performance may be disposed of after deliveries are completed and Government acceptance has occurred, in accordance with the instructions indicated on GSA Form 434.

- (ii) If the contracting officer anticipates that there may be a future claim regarding a contract, the bid samples must be retained until the claim is resolved.

- (2) All other bid samples should be held until awards are made and then disposed of in accordance with instructions indicated on GSA Form 434.

514.202-7 Facsimile bids.

Contracting officers may authorize facsimile bids (see FAR 14.201-6(w))